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From: MARTIN & FERRARO, LLP (OH)

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**Name:** Office of Patent Publication  
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**Name:** Thomas H. Martin

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**Phone No.:** 330-877-2277

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**No. of Pages (including this):** 6

**Subject:** Request for Certificate of Correction  
U.S. Patent No. 7,326,248

**Date:** February 7, 2008

Issued: February 5, 2008

**Certificate**

Gary K. Michelson

**FEB 11 2008**

EXPANDABLE INTERBODY SPINAL FUSION  
IMPLANT WITH EXPANSION CONSTRAINING  
MEMBER AND METHOD FOR USE THEREOF

**of Correction**

Attorney Docket No. 101.0107-01000

Customer No. 22882

**Confirmation Copy to Follow:** No

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**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Request for Certificate of Correction (\$100.00 total fee is to be charged to Deposit Account No. 50-3726) with 1 sheet of Form PTO/SB/44 (in duplicate) and 1 page of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on February 7, 2008.

*Sandra L. Brinkley*  
Sandra L. Brinkley, USPTO  
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PATENT  
Attorney Docket No. 101.0107-01000  
Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 07 2008

In re U.S. Patent of: )  
Gary K. Michelson )  
Patent No.: 7,326,248 )  
Issue Date: February 5, 2008 )  
For: EXPANDABLE INTERBODY SPINAL )  
FUSION IMPLANT WITH EXPANSION )  
CONSTRAINING MEMBER AND )  
METHOD FOR USE THEREOF )  
(Serial No.: 10/719,424)  
(Filed: November 21, 2003)

Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION**

Pursuant to 35 U.S.C. §§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323, this is a request for the issuance of a Certificate of Correction in the above-identified patent.

Two (2) copies of Form PTO/SB/44 are appended. The complete Certificate of Correction involves one (1) page.

The mistakes identified in the appended Form to claims 8, 22, and 24 are of a clerical or typographical nature, or of minor character, and resulted from an error made in good faith by Applicant.

The remaining mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copy of page 8 of the January 8, 2007 Amendment, showing the correct language of claim 43.

The requisite fee of \$100.00 as set forth in 37 C.F.R. § 1.20(a) to cover the costs of issuing this Certificate is to be charged to Deposit Account No. 50-3726. **RECEIVED-USPTO**  
Patent Publication

FEB 11 2008

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Should any additional fees be needed, authorization is hereby given to charge any fees due in connection with the filing of this request to Deposit Account No. 50-3726.

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: February 7, 2008

By: 

Thomas H. Martin  
Registration No. 34,383

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PTO/SB/44 (04-05)  
(Also Form PTO-1050)UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. : 7,326,248  
APPLICATION NO. : 10/719,424  
ISSUE DATE : February 5, 2008  
INVENTOR(S) : Gary K. Michelson

Page 1 of 1

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 12:

Line 64: change "one openings" to --one opening--.

Column 13:

Line 58: change "that configured" to --that is configured--.

Column 14:

Line 6: change "one openings" to --one opening--.

Column 16:

Line 8: change "can" to --cap--; and

Line 9: change "least part" to --least in part--.

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## MAILING ADDRESS OF SENDER:

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PATENT NO. 7,326,248

PTO/SB/44 (04-05)  
(Also Form PTO-1050)UNITED STATES PATENT AND TRADEMARK OFFICE  
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PATENT NO. 7,326,248

MAILING ADDRESS OF SENDER:  
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Application No. 10/719,424  
Amendment dated January 8, 2007  
Reply to Office Action of September 19, 2006

an expandable spinal implant having upper and lower portions adapted to move apart from one another to contact adjacent upper and lower vertebral bodies, respectively, said implant having an end having an opening, each of said upper and lower portions having at least one protrusion, said implant having a plurality of bone screw holes; and

an implant end cap having a head configured to cooperatively engage said end of said implant to at least in part cover said opening, said head having a top surface and a bottom surface opposite said top surface, said bottom surface having a recess adapted to cooperatively receive said protrusions of said upper and lower portions of said implant to prevent said implant from expanding beyond a predetermined height by limiting movement of said upper and lower portions relative to one another, said bottom surface of said head being configured to cover at least a portion of one of said bone screw holes when said cap is engaged to said implant.

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